

57

Notice of Allowability	Application No.	Applicant(s)	
	09/875,154	ROBERTS ET AL.	
	Examiner	Art Unit	
	Tri H. Phan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on December 28th, 2006.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 10/4/2006.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070302</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

Art Unit: 2616

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on December 28th, 2006. Claims 1-31 are now pending in the application.

Drawings

2. The proposed drawing amendments filed on December 28th, 2006. These drawings are acceptable by the Examiner.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Kent Daniels (Reg# 44,206) on March 1, 2007.

The application has been amended as follows:

IN THE CLAIM:

The following change(s) to the claims 1, 7, 14-16, 22 and 30-31 has been approved by the examiner and agreed upon by applicant:

Claim 1

- line 1, "adapted to control" has been changed to -- for controlling --.
- line 6, "being adapted to aggregate" has been changed to -- aggregating --.
- line 8, "adapted to control" has been changed to -- for controlling --.

Claim 7

Art Unit: 2616

- line 2, "being adapted to convey" has been changed to -- conveying --.

Claim 14

- line 4, "being adapted to map" has been changed to -- mapping --.
- line 7, "adapted to select" has been changed to -- for selecting --.

Claim 15

- line 1, "adapted to" has been changed to -- operative to --.

Claim 16

- line 1, "adapted to switch" has been changed to -- for switching --.
- line 6, "being adapted to aggregate" has been changed to -- aggregating --.
- line 8, "adapted to control" has been changed to -- for controlling --.

Claim 22

- line 2, "being adapted to convey" has been changed to -- conveying --.

Claim 30

- line 4, "being adapted to map" has been changed to -- mapping --.
- line 7, "adapted to select" has been changed to -- for selecting --.

Claim 31

- line 1, "adapted to" has been changed to -- operative to --.

Reasons For Allowance

4. Claims 1-31 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Many references in the art disclose the protected switch. Most of those references are comprising multi-stage switches with protection for redundancy, such as that found in MacDonald, Robert [U.S. 2002/0159681], ATM switch with redundant multiplexers as found in McGill, Richard [U.S. 5,436,886]. But no prior art reference defines the toggle function operates to "*selectively map traffic between an intra-switch path mapped through the multi-stage switch fabric and a selected one of a set of any two of the plurality of channels*" as described in

Art Unit: 2616

paragraphs 46-50 of the description; which is illustrated in Figure 3 (see REMARKS, pages 8-9, filled on December 28, 2006).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300


Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan
March 2, 2007



CHI PHAM
SUPERVISORY PATENT EXAMINER
3/5/07